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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,774	12/31/1998	GREGORY S. LINDHORST	3797.77995	3334
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BANNER & WITCOFF LTD., ATTORNEYS FOR MICROSOFT 1001 G STREET, N.W. ELEVENTH STREET WASHINGTON, DC 20001-4597			EXAMINER BASHORE, WILLIAM L	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/223,774

Applicant(s)

LINDHORST ET AL.

Examiner

William L. Bashore

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/23/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: RCE and amendment filed 9/13/2004, to the original application filed 12/31/1998, IDS filed 4/2/2002, 8/27/2002, 7/6/2004, and 7/23/2004.
2. The rejection of claims 1-30 under 35 U.S.C. 103(a) as being unpatentable over Glaser and Foley has been withdrawn as necessitated by amendment.
3. Claims 1-30 pending. Claims 1, 3, 8, 12, 14, 16, 18, 23, 27, 29 are independent claims.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/13/2004 has been entered.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. The claimed invention (as claimed in claims 1-2, 14-17, 29-30) is directed to non-statutory subject matter.

In regard to independent claims 1, 14, 16, 29, each of said claims recite "*A computer-readable medium having stored thereon a data structure, including...*" It is noted that said claims recites a data structure embodied on a computer-readable medium. Such claimed computer programs (data structures) do not define any

Art Unit: 2176

structural and functional interrelationships between said program and other claimed aspects of the invention which permit the computer program's functionality to be realized. The examiner's suggestion of amending the above preamble to read (added between the words data structure and including) "*, the execution of said data structure by a computer causing said computer to perform the following steps,*", will serve to overcome this rejection.

In regard to dependent claims 2, 15, 17, 30, claims 2, 15, 17, 30 are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser, U.S. Patent No. 5,953,731 issued September 1999, in view of Foley et al. (hereinafter Foley), U.S. Patent No. 5,706,502 issued January 1998, and further in view of Kirkner, Bill et al. (hereinafter Kirkner), Running a Perfect Netscape Site, 1996 QUE Corporation, pages 524-535.

In regard to independent claim 1, Glaser teaches a software development environment comprising an Applet control list of all forms and projects. Glaser also teaches inserting controls from one form or HTML page onto another HTML page (Glaser Abstract, column 7 lines 40-45; compare with claim 1 "*A computer readable medium....said data structure comprising*", "*a page object control on a first page for storing a list....associated with said first page*").

Glaser teaches a control from one form or HTML page inserted into another HTML page. A form window displaying applet "FORM1" is dragged into a "FORM2" drop location, resulting in a transfer of the applet object, or a reference to said object (with an added HTML reference), onto the new form or HTML page with all necessary code associated with said object. The second page can instantiate an applet, including the methods and properties associated with said applet, which is copied from the first page onto the second page (Abstract, column 6 lines 65-67, column 7 lines 1-9, 26-34; compare with claim 1 "*wherein a second page is capable of instantiating...with said first page into said second page.*").

The limitation of "*a page object control*" would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Glaser, because Glaser teaches a project window with an applet list of various applet forms (Glaser column 7 lines 42-45). Since it is known in the Web publishing art that applets are generally applied to forms and HTML pages, and Glaser teaches selecting and inserting a control from one form object or HTML page into another HTML page (Glaser Abstract, at middle), it would have been obvious to interpret said forms from said applet list as associated with HTML pages, providing the advantage of form objects that are customized to different pages.

Glaser does not specifically teach said page object control containing a list of related objects and methods/properties. However, Foley teaches a project manager allowing copying of various project methods into other files (Foley Abstract). Foley teaches icons referencing various applets with other related methods and properties, which can be imported and copied accordingly (Foley column 6 lines 37-54, 60-67, column 8 lines 43-48, column 10 lines 8-12, Figures 1-6) (compare with claim 1 "*a list of objects and associated methods and properties relating to said objects*", and "*a list of objects*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Foley to Glaser, providing Glaser the benefit of listings of related items related to a control for organized analysis.

Glaser does not specifically teach instantiating/referencing object controls without transferring methods/properties associated with said control on the first page. However, Kirkner teaches HTML documents embedded with "include" statements. Kirkner's example shows that if a user wanted to include the same content

Art Unit: 2176

in all pages of a site (such as a button bar, etc.) an HTML embedded include statement calls an external file for instantiation of said button bar (Kirkner page 532-533 section "Including Simple Text files"). In this fashion, the button bar code is referenced by a page, instantiated along with said page (via browser execution), but the methods and properties of said button bar are not permanently transferred to said page. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kirkner to Glaser, providing Glaser the additional benefit of allowing references of its control objects to other pages without actually transferring the objects actual code, in order to decrease file sizes of many HTML pages on a site which may share the same objects (compare with claim 1 "*without transferring said at least oneto said referencing page.*").

In regard to dependent claim 2, Glaser teaches dragging a control into a dropped position (settable by developer) in an HTML page (Glaser column 7 lines 14-20; compare with claim 2).

In regard to independent claim 3, Glaser does not specifically teach "*creating a first page capable of referencing a second page*", and "*referencing said second page from said first page*", as claimed. However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Glaser, because Glaser teaches a project window with an applet list of various applet forms (Glaser column 7 lines 42-45). Since it is known in the Web publishing art that applets are generally applied to forms and HTML pages, and since Glaser teaches selecting and inserting a control from one form object or HTML page into another HTML page (Glaser Abstract, at middle), it would have been obvious to interpret that, initially, one page must reference another page containing the control to be copied, so that said control can be copied, providing Glaser the benefit of referencing pages for visually inspecting controls.

Glaser teaches editing a page with a form editor (Glaser Abstract; compare with claim 3 "*editing said first page*").

Glaser teaches a control from one form or HTML page inserted into another HTML page. A form window displaying applet "FORM1" is dragged into a "FORM2" drop location, resulting in a transfer of the applet object, or a reference to said object (with an added HTML reference), onto the new form or HTML page with all necessary code associated with said object. The second page can instantiate an applet, including the methods and properties associated with said applet, which is copied from the first page onto the second page (Abstract, column 6 lines 65-67, column 7 lines 1-9, 26-34; compare with claim 3 "*referencing at least one of a method or property...being associated with said second page*").

Glaser teaches a data storage device for storing data (Glaser column 3 lines 66-67; compare with claim 3 "*storing said first page.*").

Glaser does not specifically teach said page object control containing a list of related objects. However, Foley teaches a project manager allowing copying of various project methods into other files (Foley Abstract). Foley teaches icons referencing various applets with other related methods and properties, which can be imported and copied accordingly (Foley column 6 lines 37-54, 60-67, column 8 lines 43-48, column 10 lines 8-12, Figures 1-6) (compare with claim 3 "*a list of objects*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Foley to Glaser, providing Glaser the benefit of listings of related items related to a control for organized analysis.

Glaser does not specifically teach instantiating/referencing object controls without transferring methods/properties associated with said control on the first page. However, Kirkner teaches HTML documents embedded with "include" statements. Kirkner's example shows that if a user wanted to include the same content in all pages of a site (such as a button bar, etc.) an HTML embedded include statement calls an external file for instantiation of said button bar (Kirkner page 532-533 section "Including Simple Text files"). In this fashion, the button bar code is referenced by a page, instantiated along with said page (via browser execution), but the methods and properties of said button bar are not permanently transferred to said page. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kirkner to Glaser, providing Glaser the additional benefit of allowing references of its control objects to other pages without actually

Art Unit: 2176

transferring the objects actual code, in order to decrease file sizes of many HTML pages on a site which may share the same objects (compare with claim 3 “*without transferring said at least one....being associated with said second page.*”.

In regard to dependent claims 4, 5, Glaser teaches a development environment comprising an Applet control list of all forms and projects, and inserting controls from one form or HTML page into another HTML page with all necessary code associated with said object (Glaser Abstract, column 7 lines 40-45; compare with claims 4, 5.

In regard to dependent claims 6, 7, Glaser teaches dragging a control into a modifiable dropped position in an HTML page (Glaser column 7 lines 14-20; compare with claims 6, 7).

In regard to independent claim 8, Glaser teaches a development environment comprising an Applet control list of all forms and projects. Glaser also teaches inserting controls from one form or HTML page onto another HTML page (Glaser Abstract, column 7 lines 40-45; compare with claim 8 “*a first page object control on a first page*”, and “*a second page object control on a second page, said second page object control storing a list... ”*).

Glaser teaches inserting controls from one form or HTML page onto another HTML page (Glaser Abstract; compare with claim 8 “*at least one method on said second page*”).

Glaser teaches a control from one form or HTML page inserted into another HTML page. A form window displaying applet “FORM1” is dragged into a “FORM2” drop location, resulting in a transfer of the applet object, or a reference to said object (with an added HTML reference), onto the new form or HTML page with all necessary code associated with said object. The second page can instantiate an applet, including the methods and properties associated with said applet, which is copied from the first page onto the second page

Art Unit: 2176

(Abstract, column 6 lines 65-67, column 7 lines 1-9, 26-34; compare with claim 8, “*wherein said first page retrieves said second page object control.... to support script in said first page.*”).

The limitation of “*pages as objects*”, and “*page object*” would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Glaser, because Glaser teaches a project window with an applet list of various applet forms (Glaser column 7 lines 42-45). Since it is known in the Web publishing art that applets are generally applied to forms and HTML pages, and Glaser teaches selecting and inserting a control from one form object or HTML page into another HTML page (Glaser Abstract, at middle), it would have been obvious to interpret said forms from said applet list as associated with HTML pages, providing the advantage of form objects that are customized to different pages.

Glaser does not specifically teach said page object control containing a list of related objects, methods and properties. However, Foley teaches a project manager allowing copying of various project methods into other files (Foley Abstract). Foley teaches icons referencing various applets with other related methods and properties, which can be imported and copied accordingly (Foley column 6 lines 37-54, 60-67, column 8 lines 43-48, column 10 lines 8-12, Figures 1-6) (compare with claim 8 “*... said list comprising at least one of a method and a property associated with said referenced page*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Foley to Glaser, providing Glaser the benefit of listings of related items related to a control for organized analysis.

Glaser does not specifically teach instantiating/referencing object controls without transferring methods/properties associated with said control on the first page. However, Kirkner teaches HTML documents embedded with “include” statements. Kirkner’s example shows that if a user wanted to include the same content in all pages of a site (such as a button bar, etc.) an HTML embedded include statement calls an external file for instantiation of said button bar (Kirkner page 532-533 section “Including Simple Text files”). In this fashion, the button bar code is referenced by a page, instantiated along with said page (via browser execution), but the methods and properties of said button bar are not permanently transferred to said page. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kirkner to Glaser, providing

Art Unit: 2176

Glaser the additional benefit of allowing references of its control objects to other pages without actually transferring the objects actual code, in order to decrease file sizes of many HTML pages on a site which may share the same objects (compare with claim 8 *"without transferring said at least one....to said second page."*).

In regard to dependent claim 9, Glaser teaches dragging a control into a dropped position (settable by developer) in an HTML page (Glaser column 7 lines 14-20).

In regard to dependent claims 10-11, Glaser teaches implementation of its invention using a client/server embodiment (Glaser Figure 1, column 3 lines 43-46, 60-67 to column 4 lines 1-14).

In regard to independent claim 12, claim 13 incorporates substantially similar subject matter as claimed in claims 3, 5, and is rejected along the same rationale.

In regard to dependent claim 13, claim 13 incorporates substantially similar subject matter as claimed in claims 3, 5, and is rejected along the same rationale.

In regard to independent claim 14, claim 14 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 15, Glaser teaches dragging a control into a dropped position (settable by developer) in an HTML page (Glaser column 7 lines 14-20).

In regard to claims 16-30, claims 16-30 incorporate substantially similar subject matter as claimed in claims 1-15, and are rejected along the same rationale.

Response to Arguments

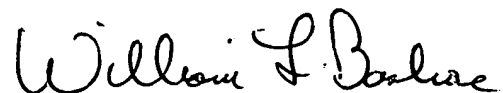
9. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM L. BASHORE
PATENT EXAMINER
TECH CENTER 2100

December 24, 2004